

PROB 12C  
(7/93)

Report Date: June 19, 2012

**United States District Court**

for the

**Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
JUN 19 2012  
JAMES R. LARSEN, CLERK  
DEPUTY  
YAKAMA, WASHINGTON

Name of Offender: Phillip Smith

Case Number: 2:02CR02168-001

Address of Offender: Last known:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: 7/2/2003

Original Offense: Crime on an Indian Reservation, Aggravated Sexual Abuse,  
18 U.S.C. §§ 1153 & 2241(a) and 2241(c)

Original Sentence: Prison - 121 Months  
TSR - 60 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: James A. Goeke

Date Supervision Commenced: 8/12/2011

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: 8/11/2016

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**PETITIONING THE COURT**

To issue a warrant and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on April 11, and May 18, 2012.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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**Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

**Supporting Evidence:** Mr. Smith was charged with assault and battery, Yakama Nation Police Department incident report number 12-2968 on June 17, 2012.

According to the Yakama Nation Police Department narrative report, on June 17, 2012, contact was made with the defendant's girlfriend who reported she and Mr. Smith were arguing over financial issues while in her bedroom at 251 Hoffer Road, Wapato, Washington. Mr. Smith's girlfriend indicated Mr. Smith became physical by shoving her with his hands causing her to fall onto the bed. Mr. Smith, in an aggressive manner, with his hand grabbed his girlfriend's left side of her face telling her "you are going to listen to me." According to the report, Mr. Smith's girlfriend yelled for her son, and was able to get out of the bedroom that was locked. The girlfriend advised she was able to get to her vehicle, however, Mr. Smith was making an effort to keep her from leaving. Mr. Smith's

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girlfriend was able to make her way to the Wapato City Jail where she waited for officers to contact her.

The girlfriend reported Mr. Smith has had prior incidents where he became aggressive, displayed anger, intimidated her, and tried to be controlling. The girlfriend stated she wanted to press charges against Mr. Smith for shoving her in the bedroom and aggressively grabbing her face. She indicated she did not want Mr. Smith back at her home.

- 7      **Special Condition # 17:** You shall live at an approved residence, and shall not change your living situation without advance approval of the supervising probation officer.

**Supporting Evidence:** Mr. Smith has failed to notify his probation officer of a change of residence as of June 19, 2012.

According to Mr. Smith's girlfriend, the defendant has not been residing at her residence since June 17, 2012. Mr. Smith has failed to report a change of address.

- 8      **Special Condition # 19:** You shall register as a sex offender, according to the laws of the state in which you reside, are employed, or are attending school. You shall provide verification of compliance with this requirement to the supervising probation officer.

**Supporting Evidence:** Mr. Smith has failed to register his new address with the Yakima County Sheriff's Office as of June 19, 2012.

- 9      **Standard Condition # 6:** The defendant shall notify the probation officer at least 10 days prior to any change in residence or employment.

**Supporting Evidence:** Mr. Smith was terminated from his employment on May 30, 2012.

According to the human resource staff at Yakama Forest Product, Mr. Smith was terminated from his employment on May 30, 2012, due to attendance violations. Mr. Smith reported in his monthly report form he quit his job due to not being able to afford the cost of fuel.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegations contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 06/19/2012


s/Jose Zepeda

Jose Zepeda  
U.S. Probation Officer

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### THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other

  
Signature of Judicial Officer

6/19/12  
Date